



United States Attorney
Southern District of New York

MEMO ENDORSED

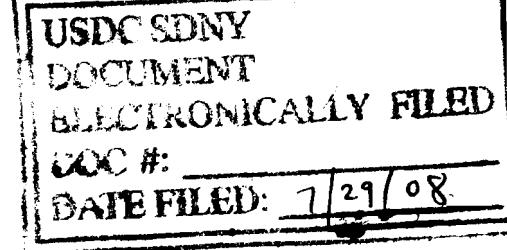
86 Chambers Street
New York, New York 10007

July 28, 2008

By Fax

Hon. Theodore H. Katz
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 1660
New York, New York 10007

Re: Gricelda Nunez v. Astrue
08 Civ. 0099 (DAB) (THK)



Dear Judge Katz:

This Office represents the Commissioner of Social Security, the defendant in this action. We write respectfully, with the consent of plaintiff's counsel, to request an adjournment of the briefing schedule.

Under this Court's current scheduling order, defendant's brief in support of a motion for summary judgment is due by July 30, 2008, plaintiff's brief in opposition and in support of a cross-motion is due by August 29, 2008, defendant's reply, if any, is due by September 12, 2008, and plaintiff's reply, if any, is due by September 26, 2008. While drafting the Government's brief, however, we encountered an issue that required this Office to seek further information from the agency. We have asked the Social Security Administration to provide us with an answer to our concerns, which could result in change of the defendant's litigation position in this action. In view of the foregoing, we respectfully request that the Court approve the following schedule:

Defendant's brief in support of his motion is due by August 29, 2008.

Plaintiff's brief in opposition and in support of a cross-motion is due by September 29, 2008.

Defendant's reply, if any, is due by October 13, 2008.

Plaintiff's reply, if any, is due by October 27, 2008.

Granted.

SO ORDERED

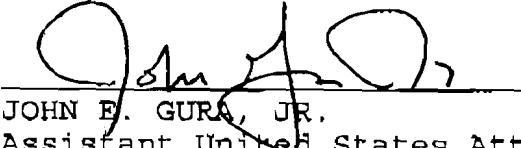
THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE

7/29/08

Two previous adjournments have been granted in this case. We thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By: 

JOHN E. GURA, JR.
Assistant United States Attorney
Telephone: (212) 637-2712
Fax: (212) 637-2750

cc: Herbert Forsmith, Esq.
(By Fax)